

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SAM FRANCOIS and K.H., by his mother and legal
guardian Cheryl Van Wormer

Plaintiffs

- v -

THE CITY OF NEW YORK, POLICE OFFICER
JOSEPH WERNERSBACH (Shield No. 6302), POLICE
OFFICER JOHN DOE

Defendants.
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MEMORANDUM AND ORDER

CV 11-3223(JBW)(VVP)

The parties have filed a Confidentiality Stipulation and Order which carries a signature line for the court's endorsement. The Order describes various categories of documents for which protection is appropriate. However, paragraph 1 also contains a "catchall" category that is problematic in that it gives unlimited discretion to counsel and the parties to designate any documents and other information to be subject to the order without making a showing of good cause as required by Rule 26(c) of the Federal Rules of Civil Procedure. Accordingly, the court has declined to enter the order as written. Instead, the court has made modifications and stricken the problematic sections identified above. Should a party wish to designate other information for coverage under the Order, an application may be made to the court which describes that information with sufficient specificity to permit the court to determine whether it qualifies for protection, and if the need for protection is not readily apparent from the description of the information, a showing of good cause must accompany the application.

SO ORDERED:

Viktor V. Pokorelsky

United States Magistrate Judge

Dated: Brooklyn, New York
November 7, 2011